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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,843	01/26/2006	Takayuki Yanagisawa	1163-0548PUS1	7762
2292 7590 09/26/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER GOLUB, MARCIA A				
ART UNIT 2828		PAPER NUMBER		
NOTIFICATION DATE 09/26/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary**Application No.**

10/565,843

Applicant(s)

YANAGISAWA ET AL.

Examiner

MARCIA A. GOLUB

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 8-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____
- 7) ☐ Paper No(s)/Mail Date _____

DETAILED ACTION
Response to Arguments

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1- 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Vetrotec (7,085,304) hereinafter '304.

Fig 12 of '304 discloses a solid-state-laser pumping module comprising:

1. "a pumping medium member [26] including a plate-shaped [elliptical] solid state laser medium that provides a gain generated by absorption of pumping light to laser light to amplify the laser light,

a reflecting member [308] disposed on a surface of said solid state laser medium which is opposite to a laser light incidence surface of said solid state laser medium, for reflecting the laser light which is incident upon said solid state laser medium via said light incidence surface and which propagates through said solid state laser medium,

and a cooling member [307,303] for removing heat which is transferred thereto, via said reflecting member, from said solid state laser medium,

the laser light incidence surface of said solid state laser medium having a size of a [minor axis] in a direction perpendicular to a plane defined by both an optical axis of said laser light and a normal to the laser light incidence surface of said solid state laser medium, and a size of b [major axis] in a longitudinal direction perpendicular to said direction and said normal, the sizes having a relationship given by $b=a/\cos \theta$, where θ is

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an incidence angle [Brewster's angle] at which said laser light is incident upon the laser light incidence surface, and wherein the value of incidence angle θ provides a relationship given by $b > a$."

The relationship $b = a/\cos \theta$ can be rearranged as $\cos \theta = a/b$, since cosine can have any value from 0 to 1, the ratio of a/b can range from 0 to 1, meaning that $a \leq b$.

In an ellipse the major axis b is always larger than the minor axis a , therefore $b > a$ and the claim limitation is satisfied. (6/43-46)

2. "characterized in that the laser light is linearly polarized light which is polarized in either the direction perpendicular to the plane defined by both the optical axis of said laser light and the normal to the laser light incidence surface of said solid state laser medium, or a direction in said plane." (6/40-50)

3. "characterized in that the incidence angle θ of the laser light is 45 degrees or more." The value of the Brewster's angle for a YAG laser is approximately 60 degrees.

4. "characterized in that the incidence angle θ of the laser light is a Brewster angle peculiar to the solid state laser medium." (6/40-50)

5. "characterized in comprising a slab waveguide member [28] having an incidence end surface [34] via which the pumping light generated by a pumping light source is incident thereupon, and an emergence end surface [30] having a smaller area than the incidence end surface, said emergence end surface being bonded to a pumping light incidence surface of the solid state laser medium, for introducing the pumping light from said pumping light source into said solid state laser medium via said pumping light incidence surface."

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brauch et al. (5,553,088) hereinafter '088 and further in view of '304.

Figs 2 and 16 of '088 disclose a solid-state-laser pumping module comprising:

1. "a pumping medium member [12] including a plate-shaped [circular] solid state laser medium that provides a gain generated by absorption of pumping light to laser light to amplify the laser light,

a reflecting member [16] disposed on a surface of said solid state laser medium which is opposite to a laser light incidence surface of said solid state laser medium, for reflecting the laser light which is incident upon said solid state laser medium via said light incidence surface and which propagates through said solid state laser medium,

and a cooling member [18] for removing heat which is transferred thereto, via said reflecting member, from said solid state laser medium,

the laser light incidence surface of said solid state laser medium having a size of a [minor axis] in a direction perpendicular to a plane defined by both an optical axis of said laser light and a normal to the laser light incidence surface of said solid state laser medium, and a size of b [major axis] in a longitudinal direction perpendicular to said direction and said normal, the sizes having a relationship given by $b = a / \cos \theta$, where θ is an incidence angle $[\alpha/2]$ at which said laser light is incident upon the laser light incidence surface."

The relationship $b = a / \cos \theta$ can be rearranged as $\cos \theta = a/b$, since cosine can have any value from 0 to 1, the ratio of a / b can range from 0 to 1, meaning that $a \leq b$. Since a and b are both diameters of a circle they are equal in length and therefore satisfy the equation. In the case where the disk has an elliptical shape, a can be the minor axis and b can be the major axis, so that $b > a$ and the conditions of the claim will be satisfied.

'088 does not disclose the circular laser medium to be elliptical. However, '304 discloses an elliptical gain medium.

It would have been obvious to one of ordinary skill in the art at the time the of the invention to make the laser gain medium in a known elliptical shape, since it has been held to be within the general skill of a worker in the art to select a known shape on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 227 F.2d 197, 125 USPQ 416 (CCPA 1960).

6. "characterized in that the reflecting member [16] and the cooling member [18] are bonded to each other using a bonding agent [46, 48] having a higher degree of softness than the solid state laser medium, for bonding the reflecting member and the cooling member to each other while covering projections and depressions which exist on their bonding surfaces which are to be bonded to each other."

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over '088 as applied to claim 1 above.

Figs 2 and 16 of '088 disclose a solid-state-laser pumping module as described above, but does not disclose:

7. "characterized in that the reflecting member and the cooling member are bonded to each other using an optical bonding agent having a smaller refractive index than the solid state laser medium."

However, 18/11-16 discloses using a material that matches the refractive index of the gain medium to bond the laser medium to the waveguide. The material is selected to be smaller than the refractive index of the laser gain medium but larger than the refractive index of the waveguide.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of embodiment 10 into the device of embodiment two by using the optically matched material to bond the reflecting member and cooling member for at least the purpose of confining the light to the laser gain medium.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Info

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARCIA A. GOLUB whose telephone number is (571)272-8602. The examiner can normally be reached on M-Th 9:30-6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Minsun Harvey can be reached on 571-272-1835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Marcia A. Golub-Miller/

/Minsun Harvey/

Supervisory Patent Examiner, Art Unit 2828